

IN THE HIGH COURT OF JUDICATURE AT PATNA

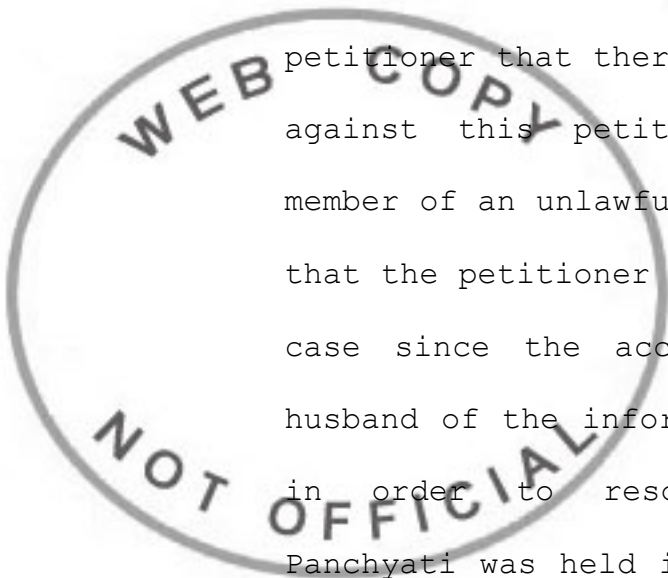
Cr.Misc. No.10633 of 2008

SHAYAM SUNDER SAH
Versus
STATE OF BIHAR

4. 28.8.2008 Heard the learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in connection with Darbhanga Town Thana Police Station Case No.80 of 2007 for the alleged offences registered under sections 323, 325, 307 and 379 of the Indian Penal Code.

It is submitted on behalf of the petitioner that there is no specific allegation against this petitioner, who was only the member of an unlawful assembly. It is submitted that the petitioner has been implicated in this case since the accused Sitaram Sah and the husband of the informant are full brothers and in order to resolve some differences a Panchyati was held in which the petitioner was a witness. Submission is that the specific allegation of assault is against co-accused Ganesh on the orders of the accused Sitaram Sah. Said Sitaram Sah has been allowed bail by this Court vide order dated 8.5.2008 passed in



Cr. Misc. No.2216 of 2008. It is submitted that the petitioner has clean antecedent, which would be evident from the case diary itself.

Learned APP on perusal of the case diary is not in a position to refute the submissions made on behalf of the petitioners.

Considering the submissions, as noticed above, it is directed that the petitioner above named, in the event of his arrest or surrender in connection with Darbhanga Town Thana Police Station Case No.80 of 2007, within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Darbhanga, in connection with the aforesaid case, on the conditions mentioned in sub-section (2) of section 438 of the Code of Criminal Procedure.

PNM

(Shailesh Kumar Sinha, J.)